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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,127	10/02/2003	Konrad Bergandy	24116-503	6022
29315	7590	11/10/2005		
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			EXAMINER AGRAWAL, CHRISTOPHER K	
			ART UNIT 3726	PAPER NUMBER

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TWT

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,127	<b>Applicant(s)</b> BERGANDY ET AL.	
	<b>Examiner</b> Christopher K. Agrawal	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/29/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 7 recites the limitation "said block" in the first line. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Mathews et. al. (U.S. Patent No. 5,005,633).**
5. Claim 1: Mathews et. al. teaches a blocking apparatus **10** comprising: a work-piece holder **88** having a recess **S** formed therein for receiving a work-piece **L**; a seat stage **90, 91** having a chamber **93** for receiving and engaging at least one portion of said work-piece holder (**Col. 4 lines 39-43**); an adjustable offset mechanism for enabling pivotal movement against said workpiece holder (**Col. 1 lines 44-47; Col. 2**

**lines 33-34)**, wherein said adjustable offset mechanism is coupled to said workpiece holder and said seat (**Col. 2 lines 28-30**).

6. **Claim 2:** Mathews et. al. also teaches the apparatus of claim 1 wherein said adjustable offset mechanism is coupled to said workpiece holder and said seat stage via a pivot (**Fig. 6; Col. 1 lines 44-47; Col. 2 lines 33-34; Col. 2 lines 28-30**).

7. **Claim 3:** Mathews et. al. also teaches the apparatus of claim 1 wherein said adjustable offset mechanism includes an adjusting tool (**Fig. 7; 31**) that enables a user to adjust the pivotal movement against said workpiece holder.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews et. al. (U.S. Patent No. 5,005,633) in view of Benz et. al. (U.S. Patent No. 5,080,482).**

10. **Claim 4:** Mathews et. al. teaches the apparatus of claim 1 as described above but does not specifically teach the apparatus wherein said workpiece holder automatically self aligns on said seat stage after said workpiece holder is engaged by a block.

11. Benz et. al. teaches a blocking apparatus (**Fig. 2**) wherein said workpiece holder automatically self aligns on said seat stage after said workpiece holder is engaged by a block **6 (Col. 3 lines 4-10)** for the purpose of improving the speed, efficiency and precision of aligning a blocking apparatus.

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the automation of Benz et. al. with the blocking apparatus of Mathews et. al. for the purpose of improving the speed, efficiency and precision of aligning a blocking apparatus. Furthermore, it has been held that mere automation of an apparatus or process is well within the ability of one of ordinary skill in the art.

13. Claim 5: Mathews et. al. also teaches the blocking apparatus wherein said chamber includes a surface (**see lead line 93 in Fig. 6**) for interfacing with said at lest one portion of said workpiece holder **88**.

14. Claim 6: Mathews et. al. also teaches the blocking apparatus wherein said workpiece is an unprocessed lens (**L; Col. 1 lines 5-19**).

15. Claim 8: Benz et. al. also teaches the apparatus wherein the workpiece holder is movable in an axis horizontal to the blocking apparatus (**Col. 3 lines 23-28**).

16. Claim 9: Benz et. al. also teaches the apparatus further comprising a controlling mechanism **1** for controlling movement of said block along an axis vertical to said blocking apparatus (**Col. 3 lines 11-28**).

17. Claim 10: Benz et. al. also teaches the apparatus further comprising one or more fastening mechanisms for fastening said workpiece holder **8** on said seat stage **9**

(Col. 3 lines 26-28). It is inherent that fastening of fixture assembly 8 in operable connection with stage 9 requires one or more fastening mechanisms.

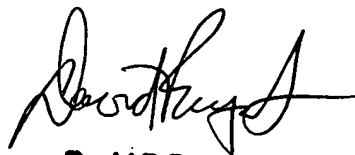
***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Agrawal whose telephone number is (571) 272-3578. The examiner can normally be reached on Mon-Fri 8AM-4:30PM.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CKA



**David P. Bryant**  
Primary Examiner